

SENATE BILL NO. 104

BY SENATOR DUPLESSIS

1 AN ACT

2 To enact R.S. 33:9080.3 and 9039, relative to improvement districts in Orleans Parish; to
3 create the Lakewood East Security and Neighborhood Improvement District; to
4 provide that the Lakewood East Homeowners Association shall govern the district;
5 to provide for the purpose, boundaries, parcel fee, budget, powers and duties of the
6 district; to add members to the board of commissioners of certain districts; to provide
7 for an effective date; and to provide for related matters.

8 Notice of intention to introduce this Act has been published.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:9080.3 and 9039 are hereby enacted to read as follows:

11 **§9080.3. The Lakewood East Security and Neighborhood Improvement**
12 **District**

13 **A. Creation. The Lakewood East Security and Neighborhood**
14 **Improvement District, a special taxing district, hereinafter referred to as the**
15 **"district," is hereby created in Orleans Parish.**

16 **B. Boundaries. The district shall be comprised of the area of the**
17 **parish of Orleans lying within the following perimeter: Interstate 10 Service**
18 **Road, Mayo Boulevard, Orleans Parish School Property formerly known as**
19 **the Livingston Middle School, and St. Charles Canal.**

20 **C. Purpose. The district is established for the primary object and**
21 **purpose of promoting and encouraging the beautification, security, and**
22 **overall betterment of the Lakewood East Subdivision. The district will also**
23 **encourage, promote, and advance the nonprofit interests of homeowners in**
24 **the subdivision through participation in charitable activities and events.**

25 **D. Governance. (1) In order for the orderly development and**
26 **effectuation of the services to be furnished by the district and to provide for**
27 **the representation in the affairs of the district of those persons and interests**

1 immediately concerned with and affected by the purposes and development
2 of the area, the affairs of the district shall be managed by the Lakewood
3 East Homeowners Association's Board of Directors, hereinafter referred to
4 as the "board."

5 (2) The minute books and archives of the district shall be maintained
6 by the board's secretary. The monies, funds, and accounts of the district
7 shall be in the official custody of the board.

8 (3) The duties of the officers shall be fixed by bylaws adopted by the
9 board. The board shall adopt such rules and regulations as it deems
10 necessary or advisable for conducting its business affairs. It shall hold
11 regular meetings as shall be provided in the bylaws and may hold special
12 meetings at such times and places within the district as may be prescribed
13 in the bylaws.

14 (4) A majority of the members of the board shall constitute a
15 quorum for the transaction of business. The board shall keep minutes of all
16 meetings and shall make them available through the board's secretary to
17 members of the district.

18 (5) The members of the board shall be determined and selected as
19 provided in the bylaws and shall serve without compensation.

20 E. Powers and duties. The district, acting through its board, shall
21 have the following powers and duties:

22 (1) To adopt, use, and alter at will a corporate seal.

23 (2) To receive and expend funds collected pursuant to Subsection F
24 of this Section and in accordance with a budget adopted as provided by
25 Subsection G of this Section.

26 (3) To enter into contracts with individuals or entities, private or
27 public.

28 (4) To perform or have performed any other function or activity
29 necessary or appropriate to carry out the purposes of the district or for the
30 overall betterment of the district.

1 (5) To provide for such services and make such expenditures as the
2 board deems proper for the upkeep of the district.

3 (6) To procure and maintain liability insurance against any personal
4 or legal liability of a board member that may be asserted or incurred based
5 upon his service as a member of the board or that may arise as a result of
6 his actions taken within the scope and discharge of his duties as a member
7 of the board.

8 F. Parcel fee. The governing authority of the city of New Orleans is
9 hereby authorized to impose and collect a parcel fee within the district
10 subject to and in accordance with the provisions of this Subsection:

11 (1) The amount of the fee shall be as requested by a duly adopted
12 resolution of the board. The fee shall be a flat fee and shall be imposed on
13 each parcel located within the district. The amount of the fee shall be three
14 hundred dollars per year for each parcel.

15 (2) The fee shall be imposed on each parcel located within the
16 district.

17 (a) For purposes of this Section, "parcel" means a lot, a subdivided
18 portion of ground, or an individual tract.

19 (b) The owner of each parcel shall be responsible for payment of the
20 fee.

21 (3)(a) The fee shall be imposed only after the question of its
22 imposition has been approved by a majority of the registered voters of the
23 district who vote on the proposition at an election held for that purpose in
24 accordance with the Louisiana Election Code. No other election shall be
25 required except as provided by this Paragraph.

26 (b) The initial election on the question of the imposition of the fee
27 shall be held at the same time as a regularly scheduled election in the city of
28 New Orleans.

29 (c) If approved, the fee shall expire on December 31, 2018, but the
30 fee may be renewed if approved by a majority of the registered voters of the

1 district voting on the proposition at an election as provided in Subparagraph
2 (a) of this Paragraph. Any election to authorize the renewal of the fee shall
3 be held only at the same time as the mayoral primary election for the city of
4 New Orleans. If the fee is renewed, the term of the imposition of the fee shall
5 be as provided in the proposition authorizing such renewal, not to exceed
6 eight years.

7 (4) The fee shall be collected at the same time and in the same
8 manner as ad valorem taxes on property subject to taxation by the city are
9 collected.

10 (5) Any parcel fee which is unpaid shall be added to the tax rolls of
11 the city and shall be enforced with the same authority and subject to the
12 same penalties and procedures as unpaid ad valorem taxes.

13 (6)(a) The proceeds of the fee shall be used solely and exclusively for
14 the purpose and benefit of the district; however, the city may retain one
15 percent of the amount collected as a collection fee.

16 (b) The city of New Orleans shall remit to the district all amounts
17 collected not more than sixty days after collection.

18 G. Budget. (1) The governing authority of the district shall adopt an
19 annual budget in accordance with the Louisiana Local Government Budget
20 Act, R.S. 39:1301 et seq. The budget and all amendments shall be subject
21 to the approval of the governing board of the city of New Orleans.

22 (2) The district shall be subject to audit by the legislative auditor
23 pursuant to R.S. 24:513.

24 H. Miscellaneous provisions. (1) The board may contract with the
25 New Orleans Police Department or with a private security company that has
26 been certified and approved by the superintendent of the New Orleans
27 Police Department for the provision of security patrols in the district. It is
28 the purpose and intent of this Section that any additional security patrols,
29 public or private, provided by the district shall be supplemental to and not
30 in lieu of personnel and services provided in the district by the New Orleans

1 Police Department.

2 (2) The district may perform or have performed any other function
3 or activity necessary for the achievement of its objectives of:

4 (a) Encouraging the beautification, security, and overall betterment
5 of the area included within the district.

6 (b) Encouraging, promoting, and advancing the nonprofit interests
7 of homeowners in the subdivision through participation in charitable
8 activities and events.

9 * * *

10 §9039. Boards of commissioners of certain districts

11 Notwithstanding any law to the contrary, for a plaza district created
12 in this Part:

13 (1) In addition to members otherwise provided by law, the board
14 of commissioners of the district shall include:

15 (a) One member appointed by the mayor of the municipality which
16 encompasses the district, to serve concurrently with the term of the
17 appointing mayor.

18 (b) One state representative, appointed by the state senator whose
19 legislative district encompasses the plaza district, when the plaza district
20 is located in more than one state representative's district.

21 (2) Whenever the secretary of the Department of Economic
22 Development is statutorily made a member of the board of commissioners,
23 the secretary is authorized to appoint a designee to serve on the board.

24 (3) Whenever an owner of property within a district is statutorily
25 included as a member of the board of commissioners, in lieu of serving on
26 the board, the owner shall appoint a member to the board, to serve
27 concurrently with the term of the mayor of the municipality which
28 encompasses the district.

29 Section 2. This Act shall become effective upon signature by the governor or,
30 if not signed by the governor, upon expiration of the time for bills to become law without

1 signature by the governor, as provided by Article III, Section 18 of the Constitution of
2 Louisiana. If vetoed by the governor and subsequently approved by the legislature, this
3 Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____